

# JEWISH RIGHTS AND THE CONGRESS

By LOUIS D. BRANDEIS.

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## JEWISH RIGHTS AND THE CONGRESS.

By Louis D. Brandeis \*

Five weeks ago many of you met in this hall to consider the misery of the Jews in the war zone, and to aid in relief measures. This week, under the proclamation of our President, a special effort will be made throughout the United States to raise funds for that purpose. The need is urgent. The matter is one of life or death. To give quickly and to give generously is imperative. Each of you doubtless will do this. For you must realize that the relief funds, though large, will still leave thousands of our brethren in danger of starvation.

### The Cause of Jewish Misery.

But though we may give ever so generously in money, we shall still fail to do our part in this great crisis unless we seek not merely to alleviate the suffering of individual Jews, but to end the wrongs to the Jewish people. We cannot cope with individual suffering unless we succeed in removing the cause of that suffering. And the fundamental cause of Jewish misery is not the war. The war is but an accident which has made the long existing misery obvious to the world. The war has acted as a magnifying glass, intensifying the suffering in some places ten or a hundred fold; so that now none, except the blind, can fail to see it. The underlying cause of Jewish misery is ever the same. It is now the same as it was before the war. And after the war is over the misery will continue further unless the conditions under which more than one-half the Jews of the World live are radically changed. In order to end the misery an end must be put to injustice—an end to oppression, an end to denial of opportunity. The oppression and discrimination before and during the war was and is so extreme as to make one marvel that living has been possible at all. It was oppression and unjust discrimination which brought the great masses of Russian Jews to the verge of destitution in which the commencement of the war found them and which plunged them into starvation when the war came. It was prejudice and unjust discrimination which exposed the Jews to the unnecessary hardships during the war of hostile treatment among their own countrymen.

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### **Rights not Tolerance the Essential.**

But the war brings amidst its horrors at least one compensation to the whole world and particularly to the Jews. It forces the world to lay aside makeshifts; to seek ultimate truths; to deal with fundamentals. We long for peace; but we begin to see that neither international congresses and courts, nor disarmament can secure peace. Peace can exist only in a world where justice and good-will reign. Justice and good-will involve not merely toleration of differences, but the grant of full rights, despite differences. There must be justice and good-will not only between individuals, but between different peoples. All peoples must have equal rights.

### **Democracy and Nationality.**

In the past it has been generally assumed that the full development of one people necessarily involved its domination over others. Strong nationalities are apt to become convinced that by such domination only, does civilization advance. Strong nationalities assume their own superiority, and come to believe that they possess the divine right to subject other peoples to their sway. Soon the belief in the existence of such a right becomes converted into a conviction that a duty exists to enforce it. Wars of aggrandizement follow as a natural result of this belief.

This attitude of certain nationalities is the exact correlative of the position which was generally assumed by the strong in respect to other individuals before democracy became a common possession. The struggles of the eighteenth and nineteenth centuries both in peace and in war were devoted largely to overcoming that position as to individuals. In establishing the equal right of every person to development, it became clear that equal opportunity for all involves this necessary limitation. Each man may develop himself so far, but only so far, as his doing so will not interfere with the exercise of a like right by all others. Thus liberty came to mean the right to enjoy life, to acquire property, to pursue happiness in such manner and to such extent as the exercise of the right in each is consistent with the exercise of a like right by every other of our fellow citizens. Liberty thus defined underlies twentieth century democracy. Liberty thus defined exists in a large part of the western world. And even where this equal right of each individual has not yet been accepted as a political right, its ethical claim is gaining recognition. Democracy rejected the proposal of the superman who should rise through

sacrifice of the many. It insists that the full development of each individual is not only a right, but a duty to society; and that our best hope for civilization lies not in uniformity, but in wide differentiation.

The movements of the last century have proved that whole peoples have individuality no less marked than that of the single person; that the individuality of a people is irrepressible and that the misnamed internationalism which seeks the obliteration of nationalities or peoples is unattainable. The new nationalism proclaims that each race or people, like each individual, has a right and duty to develop, and that only through such differentiated development will high civilization be attained. Not until these principles of nationalism, like those of democracy are generally accepted, will liberty be fully attained, and minorities be secure in their rights. But there is ground for hope that the establishment of these principles will come as one of the compensations of the present war; and with it, the solution of the Jewish Problem.

#### **The Jewish Awakening.**

For the war is awakening the more fortunately situated Jews from their torpor. It is bringing them to the realization of fundamental truths which a sorrowful past had obscured. Living in various lands as minorities during the eighteen centuries of dispersion; whirled like human flotsams sometimes by eddies away from the main stream; sometimes helplessly down the rapids; Jews had too often come to regard their misery as inevitable, and themselves as individuals merely. Those individuals to whom good fortune came, rejoiced, and the others, habituated to sorrow, were prone to bear philosophically evils which long persistence had made them look upon as unavoidable.

The world war has brought their monstrous condition into clear relief. Intense suffering came; but with it, hope and courage. The awakening brings also recognition that the rights of the Jewish people can be gained only by travelling the same road which other peoples travel—the road of democracy—through the people's asserting their own authority in their own interest. The demand for democracy in the consideration of the Jewish problem is not a matter of form. It is of the essence. It is a fundamental Jewish conception as it is the basic American method. It rests upon the essential trust in the moral instincts of the people, potent to create their own well being; to perfect it and maintain it, if an opportunity is given.

### The Jewish People's Congress.

Among Theodor Herzl's contributions to our understanding of the Jewish problem are these:—

**First:** The recognition of the fundamental fact that the Jews are a people—one people.

**Second:** The recognition of the political truth that the emancipation of the Jews can come only through themselves: that is, by democratic means.

That the Jews are a people was a well known fact long before Herzl's time; but it had been submerged by the multiform individual struggle for Jewish existence. That emancipation could come only through the Jews themselves had also been clearly stated before Herzl's time; but it was Herzl who made clear the essential democratic means when he called the first Congress.

It is eight months since the movement for an American Jewish Congress was actively organized. To some it seems that the movement has proceeded slowly. But when we consider the obstacles which had to be overcome, the progress must be deemed rapid. The time spent in discussion—which some have called controversy—was time well spent. Discussion has educated the Jews of America. It has taught them the need, the character and the purpose of the Congress. Week by week, as this process of education was continued, opposition yielded ever more to reasoning, and former opponents declared their adhesion to the Congress idea.

In the eight months since the Congress Organization Committee was formed practically all save one of the important national Jewish organizations have declared their approval of holding a Congress; and in 72 cities general committees have been formed in which for the first time in the history of America, the many local Jewish organizations have combined with a view to the solution of the Jewish problem. There are still differences of opinion as to the powers which the Congress shall exercise when it convenes—and as to the time and manner of assembling. But the fundamental idea has passed beyond the stage of controversy. It is accepted by the Jews of America.

To estimate truly how great is this achievement, we must bear in mind that it is only eighteen years since delegates, representing Jews from all parts of the world, gathered together in an open Congress to discuss the Jewish Problem. That was at the Basle Congress of 1897, called under the inspiration

of Theodor Herzl. For centuries Jews had been forced by circumstances to abandon their own traditions of democracy inherited from their fathers and expressed in the Hebrew Commonwealth, and to seek protection not through the methods of free and open discussion, and the development of public opinion, but by secret and indirect means through the efforts of individuals who had or were supposed to have influence. When one considers the tremendous force of long continued habit and the tendency of oppression to breed methods of indirection, it is easy to understand the misgivings even of able and public spirited men and women, who long opposed the Congress because they feared to have discussed in public the Jewish Problem, which had heretofore been discussed only in private. The opposition of conservative minded men, accustomed to the caution which heavy responsibility ordinarily entails, was natural. Patient consideration of the objections was appropriate. But it was also clear that if America can aid materially in the attainment of Jewish rights, it will be only through those forces which an open Congress can mobilize.

### Jewish Unity.

Absence of discord does not imply unity. Absence of discord may be due to indifference. Unity implies interest and participation. There may be acquiescence in the decision of a self-constituted body purporting to act on behalf of a free people. But there cannot be unity of action of a free people unless the decision is the act of that people participating through its properly constituted representatives.

What is demanded of the Jewish people now is action, not acquiescence. We must seek to put an end to those conditions which through the centuries, and not merely during this war, have brought misery and suffering to the Jews. The position of the Jew is not entirely unique. The history of the Bohemians, Poles, and several other Slavic races, provide remarkable parallels, and among all these nationalities hopes are now high that in the peace that will follow the war their elemental wrongs will be righted. We have not made less, but more sacrifices than they have, and are justified in expecting that our elemental wrongs, too, will be righted. But we must be first in making our wrongs known, and be ready to take action which will be the result of our careful deliberation and a thorough understanding of the situation.

But we can do this only if the Jews of America will that those conditions shall end; and undertake to express that will

through action. What this action shall be involves decisions which are both difficult and serious; decisions on which reasonable men will necessarily differ. The Jews are a people of thinkers; and they have a passion for freedom. If we acquiesce in decisions made for us and not by us, it can only be because we are practically indifferent; because we do not care, or, at all events, do not care enough, to assert our views. And if we do not care enough to assert our views we certainly will not care enough to make the sacrifices necessarily involved in saving our brethren, and solving the problem of the Jewish people.

There are a large number of Jews in America who are not indifferent to the suffering of their brethren abroad, or to the injustice to which these are subjected. There are a large number of Jews in America who are eager that something should be done to remove the causes of their brethren's misery. These Americans have views differing widely from one another as to what can be done, and what ought to be done, and how it should be done. They ask to be heard on these questions through their only constituted representatives; and they ask also to hear the views of others in order that the different proposals may be subjected to the test of public criticism. They deem it necessary that in view of the grave and difficult problems involved, the minds not of a few, but of many, should be turned towards their solution. It is for these reasons, among others, that they have demanded a Congress, and have demanded that it be convened on a democratic basis, and that the proceedings shall be made public. The deliberations of such a Congress would be enriched by the public discussion from others who are not delegates to it. And the Congress itself will create needed public opinion in support of the measures which it determines upon.

But the Congress is essential also for other reasons. Besides those Jews who have already given evidence of their readiness to aid in remedying the condition of their brethren, there are many in America whom the present need of action has failed to rouse. They are indifferent largely through lack of knowledge. We have such faith in our people as to believe that with most of them knowledge will overcome indifference and will lead to active participation in the effort to solve our people's problem. We must bring home the situation to those seemingly indifferent and make clear to them not merely the intensity of existing suffering, but also that they can play a part in ending it, and indeed that they must

do their part or we cannot succeed. And for the awakening of interest the Congress is a necessary means.

The Congress is not an end in itself. It is an incident of the organization of the Jewish people—an instrument through which their will may be ascertained, and when ascertained may be carried out. In order that their will may be ascertained truly the Congress must be democratically representative. In order that their will may be carried into effect, the decision of their delegates must be supported by Jewish public opinion, intelligent, wide-spread, and expressive of deep conviction. In order that the decision may be the wisest possible, the Congress must be preceded by general public discussion of the measures proposed. The decision must embody the wisdom, not of the few, however able and public-spirited, but the thought and judgment of the whole people. The support must be active; it must be financial as well as moral. It must be the support of the million, not of the few generous, philanthropic millionaires. In order that the support may be adequate, the Congress must also be preceded by such organization of the Jews of America as will ensure their cooperation in carrying out such measures as shall be decided upon. The Congress is not to be an exalted mass-meeting. It is to be the effective instrument of organized Jewry of America.

It cannot be effective if its functions are limited to the passing of resolutions, however carefully framed. Those whom the Congress authorizes to act for the Jewish people must have the actual support of the Jews of America. They must not only be prepared to act, but must be supplied with the means to do so.

### What the Congress Can Achieve.

**First:** The Congress by creating spokesmen for American Israel who are representative, will provide a body through which the Jews of America, as the only great neutral group of Jews, may not only authoritatively address other Governments, but may be so addressed by other Governments desirous of dealing with representatives of the whole Jewish people.

**Second:** Our demands may not be extravagant. Even the language used must be temperate. But the Jews can properly ask that throughout Europe, Asia and Africa their rights be acknowledged. The Congress will have to work out those basic ideas according to two fixed democratic principles. It should recognize the conception of needs as experienced by

the Jews in the various lands in which they live, and the political circumstances in which great groups of Jews find themselves at the end of the war. It must, of course, recognize and act according to what it may find to be in accord with the general will and the feasible program. But the Congress must go a great step further. Mere protest or manifesto will bring no achievement. The Congress will elect men to be its spokesmen—men who will accept its mandate to do their work within the limitations of that mandate. But these men must be supplied with more than authorization. The Congress must create the machinery which will assure that what these spokesmen promise will be fulfilled, and that whatever gains the treaty of peace may exhibit will be maintained by the united effort of the Jews.

How much we have to do in order to realize the seriousness of this latter task, we may learn from our experience with the Roumanian Jewish Tolerance Clause in the Berlin Treaty of 1878, which had been so eagerly worked for, and was so widely rejoiced over. It would have been infinitely better if that provision for equality for the Jews in Roumania had not been written; because the scorn with which Roumania treated it exposed the helplessness of the Jews to the world. Had the machinery of the organized Jews existed, Roumania would have been compelled to keep her word. Through the Congress we must secure that power in men, in ability, in influence and in money necessary to maintain any gains that may be made.

Third: The Congress will have the further effect of creating unity in American Jewry, without which achievement abroad is impossible. Unity will develop because the minority will cooperate with the majority to attain the common end when the judgment and will of the majority has been democratically ascertained. That is in accordance with American methods and the demands of loyalty. The past impotence of 3,000,000 Jews of America to aid their brethren abroad should not surprise us. With over ten thousand separate Jewish organizations, each formed for a limited purpose and serving its individual policies, there has been no effective cooperation on the larger problems of Jewish life. The organizations largely overlapped one another, and inevitably clashed when broader problems were involved. And no means existed of composing the discord. There could be no effective cooperation because there was no coordination. The Congress, in developing the practice of unity through the yielding of the

minority to the will of the majority, cannot fail to immensely simplify, develop and strengthen the forces in American Jewish life.

### The Essentials of Success.

Dr. Nordau said sometime ago that the Jews are a "miracle people," meaning by that that they expected results like freedom to be obtained without the resort to the means by which results would naturally be secured. It is indeed extraordinary that the Jews should entertain such an idea. For there is no people in the world, in which the individual members are more conscious of the fact that success is the result of persistent effort. No Jew expects any results for himself by miracle. He expects to work for them, and the Jew so frequently obtains results because he does work for them. It is the persistence of the individual Jew; his willingness to exert himself; to forego pleasure and to undergo pain, to brave dangers, and submit to sacrifice, that wins his individual successes. But when the Jews have sought results for the whole people, they seem to have forgotten the lessons of every day life. They have lacked the statesmanlike quality which should bring them together; each saying: "I as one of the people will join with each and every other member of my people to attain the end in which the whole people is interested, and as such I will make the necessary sacrifices so that our great end may be achieved."

What we need, therefore, is that the Jews individually shall, for the common cause of the Jewish people, be ready to make sacrifices like those which they are always making in order to attain their individual successes. When Jews are ready to do that the three million Jews of America with their high intelligence and strong will cannot fail to have a great effect in ameliorating the condition of their brethren in other lands. Patience may be necessary as well as persistence. But patience, persistence and devotion, will accomplish sooner or later in one way or another, the great end we have in view. The purpose of our deliberation, when we come together in conference and in Congress, must be to discover the best way to proceed in order soonest to attain that end. But it will never be attained unless the individual Jew is willing to make such sacrifices in time, in effort, and in money.

The great Jewish inheritance and the great American inheritance demand that each and every one of you should specially pledge yourself to work for that end.

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